

# CITY COUNCIL ACTION REPORT

September 23, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PAP*

SUBJECT: Request for Acceptance of Permanent Public Utility Easement and Regrading  
And Temporary Construction Permit  
Wattles Road Improvements, Bristol to Worthington  
Project No. 01.106.5 – Parcel #9 – Sidwell #88-20-14-351-059  
Delance D. Farrell and Kelly D. Farrell

## Background:

In connection with the proposed improvements to Wattles Road, from Bristol to Worthington, the Real Estate & Development Department received a Permanent Public Utility Easement and a Regrading and Temporary Construction Permit from Delance D. Farrell and Kelly D. Farrell. This parcel is located on the north side of Wattles Road, between Rochester and Worthington in the southwest ¼ of Section 14.

## Financial Considerations:

- An appraisal was prepared by Raymond V. Bologna, CRE, MAI, and David J. Abraham, SRA, both State Certified Appraisers and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser. Staff believes that \$15,700 for the Permanent Public Utility Easement and \$200 for the Regrading and Temporary Construction Permit are justifiable amounts for this acquisition.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2008-09 Major Road fund, account number 401479.7989.011065.

## Legal Considerations:

- The format and content of the easement and permit are consistent with documents previously accepted by City Council.

## Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Outcome Statements I, II and III)

Options:

- City Management recommends that City Council accept the attached Permanent Public Utility Easement and Regrading and Temporary Construction Permit from Delance D. Farrell and Kelly D. Farrell so that the City can proceed with this project.

PAP\G\MEMOS TO MAYOR & CC\Farrell PU Easement & RTCP

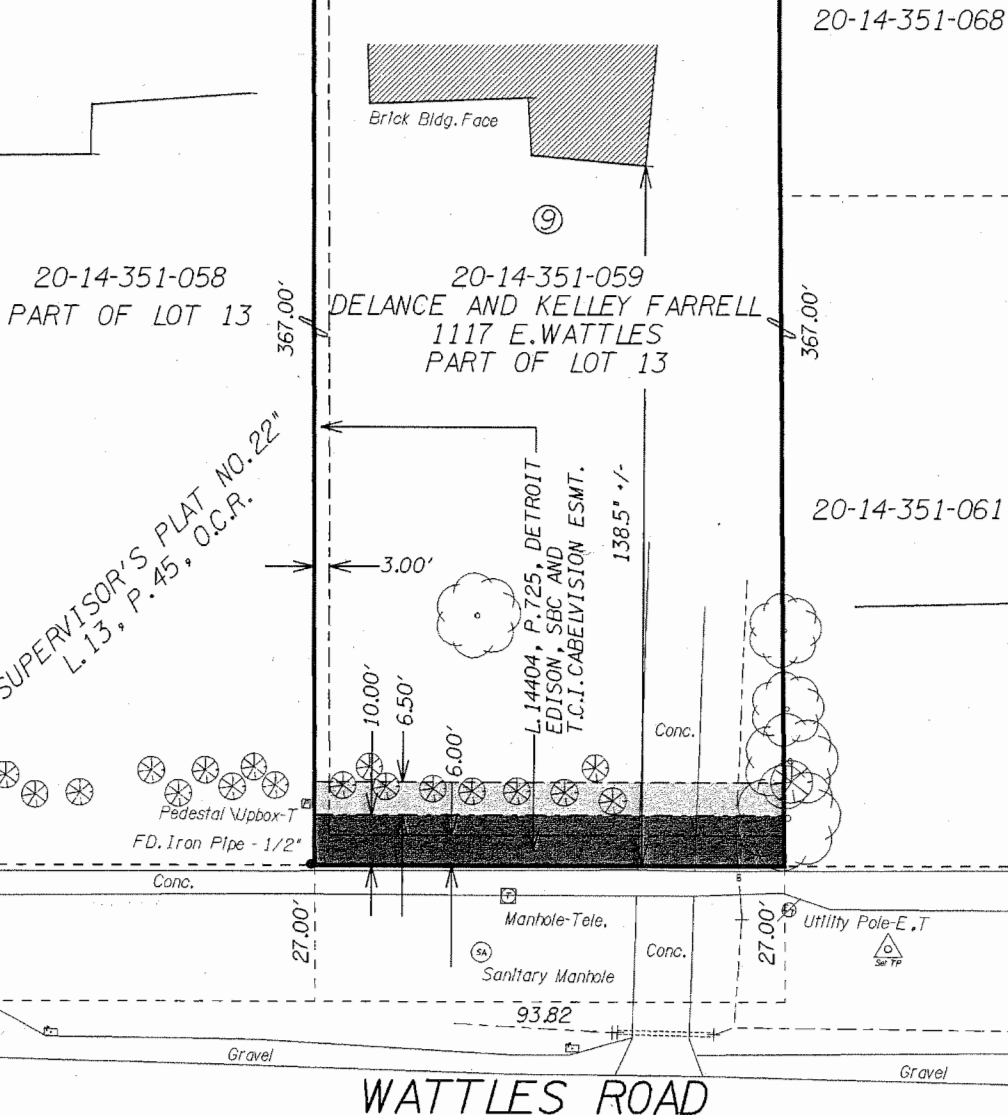
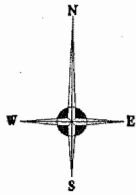
# SKETCH OF EASEMENT

EXHIBIT 'B'  
PARCEL 9

NOTE: DESCRIPTION TAKEN FROM RECORD.

MAYA MEADOWS O.C.C.P. NO. 1355  
92.59'

SCALE: 1" = 30'



20-14-352-059  
DELANCE AND KELLEY FARRELL  
TOTAL AREA - 31,673 S.F.  
PUBLIC UTILITY EASEMENT - 937 S.F.  
REGRADING AND TEMPORARY - 609 S.F.  
CONSTRUCTION PERMIT

Asph.

PUBLIC UTILITY EASEMENT -

REGRADING AND TEMPORARY -  
CONSTRUCTION PERMIT

JOB NO.  
20010397  
DATE  
04-15-08

HUBBELL, ROTH & CLARK, INC.  
CONSULTING ENGINEERS  
555 HULET DRIVE  
BLOOMFIELD HILLS, MICH.  
P.O. BOX 824  
48303-0824

SHEET NO.  
2  
OF 2

REV. 04-24-08

TIME: 24-APR-2008 09:38

QUEUE: \\psrv\c\p\bw\Tiff CLP: TBL: I:\stator\as\mas\B\cd\cd\creator\2\NOPEN TBL: I:\xmpl\plott\ng\ng\black.rpt

DESIGN FILE: \\s200103\20010397\FY010397\_esi9.dgn

USER NAME: d\hebert

PERMANENT PUBLIC UTILITY EASEMENT

Sidwell #88-20-14-351-059  
Parcel #9

Delance D. Farrell and Kelly D. Farrell, husband and wife, Grantors, whose address is: 1117 East Wattles, Troy, MI 48085 for and in consideration of the sum of: Fifteen Thousand, Seven Hundred and no/100 Dollars (\$15,700) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan 48084 grants to the Grantee a utility easement, said easement for land situated in the City of Troy, Oakland County, Michigan described as:



SEE ATTACHED EXHIBIT "A"

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 18<sup>th</sup> day of September, 2008.

  
\_\_\_\_\_  
Delance D. Farrell (L.S.)  
  
\_\_\_\_\_  
Kelly D. Farrell (L.S.)

STATE OF MICHIGAN )  
COUNTY OF Oakland )

The foregoing instrument was acknowledged before me this 18 day of SEPTEMBER, 2008, by Delance D. Farrell and Kelly D. Farrell, husband and wife

BRIAN D. GWIZDZ  
NOTARY PUBLIC - MICHIGAN  
WAYNE COUNTY  
ACTING IN THE COUNTY OF \_\_\_\_\_  
MY COMMISSION EXPIRES MARCH 15, 2015

  
\_\_\_\_\_  
Notary Public, WAYNE County, Michigan

Acting in WAYNE County, Michigan

My Commission Expires 3-15-15

Prepared by: Patricia A. Petitto  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

Return to: City Clerk  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

PLEASE SIGN IN BLUE INK AND PRINT OR TYPE NAMES IN BLACK INK UNDER SIGNATURES

04-16-08  
20010397  
20-14-351-059

EXHIBIT 'A'

**DESCRIPTION PUBLIC UTILITY EASEMENT**

The South 10.00 feet of the following described property: The East ½ of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW ¼ of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said easement contains 937 square feet, or 0.022 acres, more or less.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-14-351-059  
Project # 01.106.5  
Parcel #9

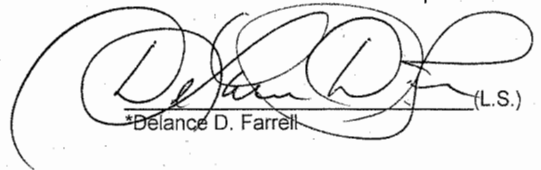
Delance D. Farrell and Kelly D. Farrell, husband and wife, Grantor(s), whose address is 1117 East Wattles Road, Troy, MI 48085, for and in consideration of the sum of Two Hundred and no/100 Dollars (\$200.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of Wattles Road Improvements, Bristol to Worthington, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A"

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 18<sup>th</sup> day of September, 2008.

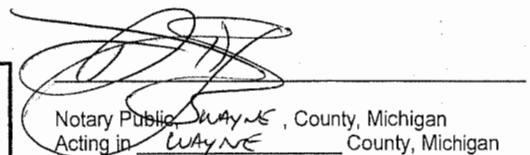
 (L.S.)  
\*Delance D. Farrell

 (L.S.)  
\*Kelly D. Farrell

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 18 day of SEPTEMBER 2008, by Delance D. Farrell and Kelly D. Farrell, husband and wife.

BRIAN D. GWIDZ  
NOTARY PUBLIC - MICHIGAN  
WAYNE COUNTY  
ACTING IN THE COUNTY OF  
MY COMMISSION EXPIRES MARCH 15, 2015

  
Notary Public, Wayne, County, Michigan  
Acting in Wayne County, Michigan

My Commission Expires

Prepared by: Patricia A. Petitto  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

04-16-08  
20010397  
20-14-351-059

EXHIBIT 'A'

**DESCRIPTION REGRADING AND TEMPORARY CONSTRUCTION PERMIT**

The North 6.50 feet of the South 16.50 feet of the following described property: The East  $\frac{1}{2}$  of Lot 13 of "Supervisor's Plat No. 22" a subdivision of part of the SW  $\frac{1}{4}$  of Section 14, T2N, R11E, City of Troy, Oakland County, Michigan, as recorded in Liber 13 of Plats, Page 45, Oakland County Records. Except the South 27.00 feet of subject property taken for road.

Said permit contains 609 square feet, or 0.014 acres, more or less.